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22553 U.S. PTO  
10/765963



Date: January 29, 2004

Docket No.: 2091-0309P

**MS PATENT APPLICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

As authorized by the inventor(s), transmitted herewith for filing is a patent application applied for on behalf of the inventor(s) according to the provisions of 37 C.F.R. § 1.41(c).

Inventor(s): Kazuo SHIOTA; and Kiyotaka KANEKO

For: APPARATUS AND PROGRAM FOR SELECTING PHOTOGRAPHIC IMAGES

Enclosed are:

- ☒ A specification consisting of thirty-six (36) pages
- ☒ Three (3) sheet(s) of formal drawings
- ☐ Applicant claims small entity status under 37 C.F.R. § 1.27
- ☐ Applicant does not claim priority
- ☒ Applicant claims the right of priority under the provisions of 35 U.S.C. § 119 and 37 C.F.R. § 1.55(a) based on Application No(s). 2003-023901 filed in Japan on January 31, 2003.
  - ☒ Certified copy(ies) is(are) attached hereto.
  - ☐ Certified copy(ies) will follow.

- ☒ Executed Declaration in accordance with 37 C.F.R. § 1.64 will follow
- ☐ Application Data Sheet in accordance with 37 C.F.R. § 1.76
- ☒ Preliminary Amendment
- ☐ Information Disclosure Statement, PTO-1449 and reference(s)
- ☐ Other: \_\_\_\_\_
- ☐ Applicant requests early publication - \$300.00 publication fee
- ☐ Non-publication Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i)

The filing fee has been calculated as shown below:

|  |                 |                 | LARGE ENTITY  | SMALL ENTITY |
|--|-----------------|-----------------|---------------|--------------|
| BASIC FEE  |                 |                 | \$770.00      | \$385.00     |
|  | NUMBER<br>FILED | NUMBER<br>EXTRA | RATE FEE      | RATE FEE     |
| TOTAL CLAIMS   | 18-20=          |                 | x 18 = \$0.00 | x 9= \$0.00  |
| INDEPENDENT CLAIMS   | 3-3=            |                 | x 86 = \$0.00 | x43= \$0.00  |
| <input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED |                 |                 | + \$290.00    | + \$145.00   |
| TOTAL  |                 |                 | \$770.00      | \$0.00       |

- ☒ The application transmitted herewith is filed in accordance with 37 C.F.R. § 1.41(c). The undersigned has been authorized by the inventor(s) to file the present application. The original duly executed declaration together with the surcharge will be forwarded in due course.
- ☒ A check in the amount of \$770.00 to cover the filing fee is enclosed.
- ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this transmittal form is enclosed.

☒ Please send correspondence to:

BIRCH, STEWART, KOLASCH & BIRCH, LLP or Customer No. 02292  
P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By *Marc S. Weiner* (B 6046,069)  
Marc S. Weiner, #32,181

MSW/clb  
2091-0309P

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Attachment(s)

(Rev. 11/30/03)